

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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THIS SIDE UP PRODUCTIONS, LLC	)	Civil Action No. 2:17-cv-04357-WB
	)	
Plaintiff,	)	
	)	
- v. -	)	
	)	
PATRICK J. "P.J." BENNETT,	)	
	)	
Defendant.	)	
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**MOTION TO FILE UNDER SEAL**

Pursuant to Local Rule 5.1.5, Defendant Patrick J. "P.J." Bennett ("Bennett") respectfully moves this Court for leave to file certain exhibits under seal in support of its simultaneously filed Motion to Dismiss. In support thereof, Bennett avers as follows:

1. Due to the early status of this case, the Court has not yet been requested by either party for a protective order, which would allow the parties to designate limited information as "confidential."
2. Simultaneously with this Motion, Defendant will be moving to dismiss the Complaint of Plaintiff [Dkt. 1], This Side Up Productions, LLC ("Plaintiff").
3. Plaintiff's Complaint asserts claims for breach of a non-disclosure agreement and misappropriation of trade secrets under the Defend Trade Secrets Act ("DTSA").
4. The non-disclosure agreement ("NDA") that is the subject of Plaintiff's claims contains a confidentiality provision (Ex. 1 to Compl. [Dkt. 1-1]). Thus, in an abundance

of caution, Defendant requests leave to file the exhibits to his motion to dismiss under seal, in the event Plaintiff believes that any information set forth therein is confidential.<sup>1</sup>

5. The exhibits that Defendant will be attaching to his motion to dismiss are integral to the claims set forth in Plaintiff's Complaint.

WHEREFORE, Defendant respectfully requests that this Court grant its Motion to File Under Seal.

Dated: October 30, 2017

/s/ Noah S. Robbins

Paul J. Kennedy

Noah S. Robbins

PEPPER HAMILTON LLP

Two Logan Square, 18<sup>th</sup> & Arch Streets

Philadelphia, PA 19103

(215) 981-4000

Shawn M. Dellegar, *pro hac vice to be filed*

Tynia A. Watson, *pro hac vice to be filed*

Benjamin N. Schiller, *pro hac vice to be filed*

Crowe & Dunlevy, PC

500 Kennedy Building

321 South Boston

Tulsa, OK 74103

(918) 592-9800

*Attorneys for Defendant, P.J. Bennett*

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<sup>1</sup> By filing this motion to file under seal, Defendant does not agree, or admit, that the exhibits are confidential.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THIS SIDE UP PRODUCTIONS, LLC

Plaintiff,

- v. -

PATRICK J. "P.J." BENNETT,

**Defendant.**

) Civil Action No. 2:17-cv-04357-WB

## ORDER

AND NOW, on this \_\_\_\_ day of \_\_\_\_\_, 2017, upon consideration of Defendant's Motion to Seal, and any response thereto, it is hereby **ORDERED** that said Motion is **GRANTED**. Exhibits 1 and 2 to Defendant's Motion to Dismiss dated October 30, 2017 are deemed filed and sealed and the redaction of any quotations to these documents shall remain in place in the publicly filed version of Defendant's Motion to Dismiss.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2017, a copy of the foregoing Motion to Seal will be sent to all counsel of record via e-mail to the following attorneys of record:

Craig D. Mills  
David A. Shumacher  
Patrick D. Doran  
BUCHANON INGERSOLL & ROONEY PC  
50 S. 16<sup>th</sup> Street, Suite 3200  
Philadelphia, PA 19108

*Counsel for Plaintiff,  
This Side Up Productions, LLC*

/s/ Noah S. Robbins  
Noah S. Robbins

# EXHIBIT 1

## TO DEFENDANT'S MOTION TO DISMISS

**Shawn M. Dellegar**

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**From:** Stephen Palmer <palmer@palmergray.com>  
**Sent:** Thursday, July 13, 2017 8:42 AM  
**To:** Shawn M. Dellegar  
**Cc:** 'Pat Hally'  
**Subject:** diagram that was sent to p.j. bennett on june 1, 2014  
**Attachments:** Scan0002.pdf

dear shawn: the attachment is the diagram which was exhibit "a" to the nda and which was e-mailed by pat hally to p.j. on june 1, 2014 according to pat's records. let's try to talk this through tomorrow. steve palmer

Stephen H. Palmer  
Palmer & Gray LLP  
Senior Partner  
(610) 889-2064 Work direct  
(610) 715-0300 Cell  
(610) 884-7994 Fax  
[palmer@palmergray.com](mailto:palmer@palmergray.com)  
Suite 234  
5 Great Valley Parkway  
Malvern, PA 19355



**Flycam Installation Report @ Nokia Red Carpet.**  
 777 Chick Hearn Court, Los Angeles, California 90015  
 Event Date: Wednesday July 11<sup>th</sup> 2012



**This Side Up  
Production**

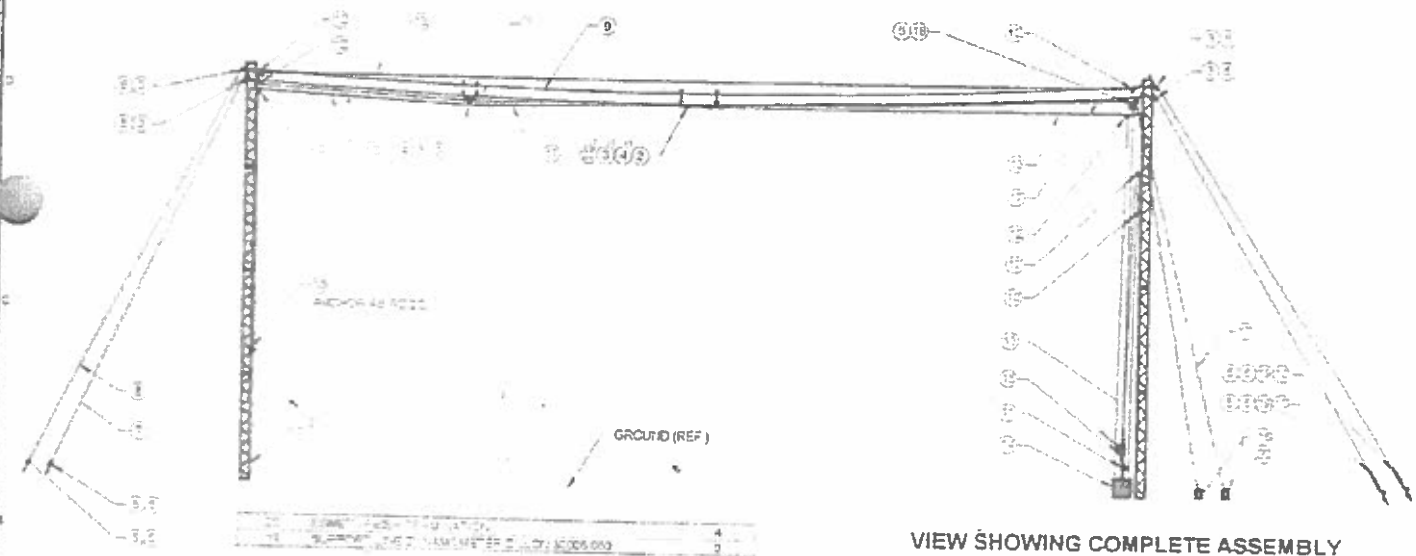
### System Specifications for Nokia Red Carpet ~ Event date. Wednesday July 13<sup>th</sup>

This Side Up Productions concern for safety exceeds O.S.H.A.'s mandated 4:1 safety ratio for which any moving object that is to be flown above the "general public or a crowd". FlyCam's safety ratio will be considerably greater.

The FlyCam will be deploying cable suspended, stabilized, tracking camera system with *fully redundant system support*. The system is supported from each of the two ends with (2) independent camera suspension lines. One of the two ends is referred to as the smart end because that end houses the camera drive hardware. The camera system is driven from via a closed loop capstan while being supported utilizing two fully separate and independent support lines or High Lines. The close loop drive capstan moves the camera back and forth. Fiber capture hardware is also located at the smart end of the travel path.

The other end is referred to as the dumb because it has limited hardware requires no power. The dumb end has a guiding (relay) pulley for the drive line. Each of Flycam's two independent support lines terminates behind both towers. The fiber management via a slave skate terminates on the smart tower near the drive motor for easy of installment and operation. The camera is powered locally with small 12 volt batteries. The data commands that control pan tilt are sent to the camera via a fiber optic link.

### Flycam Assembly Drawing.



### Loading & Specifications.

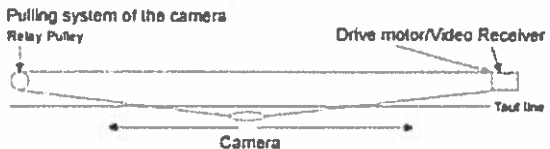

- Camera & Skate weight is less than 50 pounds.
- AM-Steel Tac 12 support cable weight 1.9 lbs per 100 ft
- Calculated tension of camera support cable is less than 535 Pounds.
- Break strength of support cable greater than 7,300 lbs. (Am-steel MFR information on page 12)
- Outer diameter of the support cables are .25" inch am-steel Tac 12.
- Length between the two mounting points is less no greater than 875 feet.
- The trim height of the camera will be no less than 18 Feet no greater than 24 feet.

Specifications supplied by FlyCam for the installation @ Nokia ~ Red Carpet. The systems Safety Ratio for FlyCam's Support will exceed = 10:1.

(Specifications Provided by Flycam ~ 5.09.11)

**EXHIBIT 2**  
**TO DEFENDANT'S MOTION TO**  
**DISMISS**



FlyCam Website Information	Appendix A Information
Camera Weight 38 lbs.	Camera & Skate Weight < 50 lbs.
Synthetic cable rope 14 lbs./1000 ft. (= 1.4lbs./100 ft.)	Support cable weight 1.9 lbs./100 ft.
Outer diameter of the support cables are .25".	Outer diameter of the support cables are 1/4 inch (.25").
<p>Depicts a drawing of the system supported at two ends, with one end having a drive motor and receiver (smart end), and with the other merely a relay (dumb end).</p> 	<p>Describes the system having two ends with one end being a "smart end" and having the camera drive hardware (drive motor) and fiber capture hardware (receiver) and the other end being a "dumb end" with a relay.</p> 
<p>States that data commands control pan, tilt, and paint functions sent to the camera via RF link OR Fiber Optic cable</p>	<p>States "the data commands that control pan tilt are sent to the camera via a fiber optic link"</p>